

**Remarks**

This Application has been carefully reviewed in light of the Office Action mailed April 17, 2003. At the time of the Office Action, Claims 1-20 were pending in this patent application. The Examiner rejects Claims 1-20. Claims 1-3, 5 and 8-16 have been amended to more clearly claim what the inventor believes to be the invention. Applicants respectfully request reconsideration and favorable action in this case.

**Section 112 ¶ 2 Rejection**

The Examiner has indicated that there is insufficient antecedent basis for the limitations "the supplier" and "the outsourced job queue" in Claim 8. Claim 8 has been amended to provide sufficient antecedent basis. Applicants therefore request the rejection of Claim 8 under Section 112 ¶ 2 be withdrawn.

**Section 102 Rejection**

Claims 1, 2, and 14-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,438,576 to Huang, et al. ("*Huang*"). Applicants respectfully traverse.

Claim 1, as amended, recites:

A system for providing distributed rendering services comprising:  
a local rendering system operable to receive and render a render job, the render job having a plurality of render frames and an associated job description;  
at least one remote rendering system comprising a plurality of remote render servers and a second schedule server coupled to the plurality of remote render servers and operable to receive from the local rendering system the render job and render the render job by distributing one or more different render frames of the render job to at least two of the plurality of remote render servers and further operable to return a result of the render job to the local rendering system;  
wherein the local rendering system comprises a plurality of local render servers and a first schedule server coupled to the plurality of local render servers and operable to determine, based at least in part on the job description, whether to render the render job locally by distributing one or more different render frames of the render job to at least two of the plurality of local render servers or to send the render job to the at least one remote rendering system for distributed rendering; and  
wherein the first schedule server is operable to collect and deliver to a remote rendering system, via a first hot folder and a communications medium, information associated with the render job.

*Huang* does not disclose, teach or suggest this combination of limitations. For example, the Examiner acknowledges that “*Huang* does not show rendering system distributing render jobs to a plurality of servers.” (Office Action, Page 3, regarding Claim 3). Thus, *Huang* fails to disclose, teach or suggest at least “at least one remote rendering system comprising a plurality of remote render servers and a second schedule server coupled to the plurality of remote render servers and operable to receive from the local rendering system the render job and render the render job by distributing one or more different render frames of the render job to at least two of the plurality of remote render servers . . .,” as recited in Claim 1. Thus, the rejection of Claim 1 under § 102(e) should be withdrawn.

However, although the Examiner rejected Claim 1 under Section 102(e) as being anticipated by *Huang*, based on Applicants’ amendments to Claim 1 and the Examiner’s comments with respect to Claim 3, Applicants anticipate that the Examiner may reject amended Claim 1 under § 103(e) as being unpatentable over *Huang* in view of U.S. Patent 6,539,445 to Krum (“*Krum*”). However, Applicants respectfully submit that such rejection would be improper for the reasons discussed below.

First, the Examiner has not shown the required suggestion or motivation to combine the cited references. According to the Examiner, “a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by *Huang* by employing the system disclosed by *Krum*, or order to load balance a plurality of servers and requested jobs so that server resources are best utilized.” (Office Action, page 6). However, to establish a *prima facie* case of obviousness, the Examiner must show, among other things, some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. § 2142. “The mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” M.P.E.P. § 2143.01. Thus, the mere allegation that the teachings of *Krum* would improve the teachings of *Huang*, as asserted by the Examiner, does not provide the required suggestion to combine.

Nothing in *Huang*, *Krum*, or any other cited references, suggests or motivates the proposed combination, nor has the Examiner provided any evidence that suggests the proposed modification. The Examiner speculates that “a person of ordinary skill in the art would have readily recognized the desirability and advantages,” but presents no evidence that suggests or motivates the combination.<sup>1</sup> Such speculation in hindsight is insufficient for supporting a modification or combination of references, under both the M.P.E.P.<sup>2</sup> and governing Federal Circuit case law.<sup>3</sup>

Second, even assuming for that sake of argument that *Huang* and *Krum* could properly be combined (with which Applicants disagree, as discussed above), the proposed combination would still fail to disclose, teach, or suggest each and every limitation of amended Claim 1.

For example, the proposed *Huang-Krum* combination fails to disclose, teach or suggest the distributed rendering of a “render job having a plurality of render frames,” as recited in Claim 1. First, *Huang* fails to disclose, teach or suggest rendering a “render job having a plurality of render frames.” Rather, *Huang* discloses rendering “an object,” which cannot be equated with a “render job having a plurality of render frames.” To illustrate, the

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<sup>1</sup> If the Examiner is relying on “common knowledge” or “well known” art in support of his rationale for combining the references, the Examiner is requested to produce a reference in support of his position pursuant to M.P.E.P. § 2144.03. If the Examiner is relying on personal knowledge to supply the required motivation or suggestion to combine, Applicants respectfully request that the Examiner produce an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

<sup>2</sup> See M.P.E.P. § 2145 X.C. (“The Federal Circuit has produced a number of decisions overturning obviousness rejections due to a lack of suggestion in the prior art of the desirability of combining references.”)

<sup>3</sup> For example, in *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999), the Federal Circuit reversed a finding of obviousness by the Board of Patent Appeals and Interferences, explaining that evidence of a suggestion, teaching, or motivation to combine is essential to avoid impermissible hindsight reconstruction of an applicant’s invention:

Our case law makes clear that the best defense against the subtle but powerful attraction of hind-sight obviousness analysis is *rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references*. Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.

175 F.3d at 999 (quoting *W.L. Gore & Assoc., Inv. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983)) (emphasis added) (citations omitted). See also *In Re Jones*, 958 F.2d 347 (“Conspicuously missing from this record is any evidence, other than the PTO’s speculation (if that can be called evidence) that one of ordinary

examples of “an object” provided by *Huang* include (1) *an* image, *an* image file or *an* image object (see Col. 6, Lines 59-60; Col. 10, Lines 20-23; Col. 13, Lines 4-7) and (2) *an* HTML text (Col. 6, Lines 59-63). Nowhere does *Huang* disclose, teach or suggest (a) that an object could include a *plurality* of frames or images to be rendered, or (b) assuming that an “object” could be equated with a “render frame” (with which Applicants do not agree), a render job that includes a plurality of such “objects.” For at least these reasons, *Huang* fails to disclose, teach or suggest a “render job having a plurality of render frames,” as recited in Claim 1. Second, *Krum* also fails to disclose, teach or suggest rendering a “render job having a plurality of render frames.” Indeed, *Krum* fails to disclose, teach or suggest anything regarding render jobs, much less a “render job having a plurality of render frames,” as recited in Claim 1. Thus, neither *Huang* nor *Krum* discloses, teaches or suggests a “render job having a plurality of render frames,” as recited in Claim 1.

As another example, the proposed *Huang-Krum* combination fails to disclose, teach or suggest rendering a render job “by distributing one or more different render frames of the render job to at least two . . . remote render servers” or “by distributing one or more different render frames of the render job to at least two . . . local render servers,” as recited in Claim 1. First, as acknowledged by the Examiner, “Huang does not show rendering system distributing render jobs to a plurality of servers.” (Office Action, Page 3, regarding Claim 3). Thus, *Huang* clearly fails to disclose, teach or suggest the limitations identified above.

Second, *Krum* also fails to disclose, teach or suggest rendering a render job “by distributing one or more different render frames of the render job to at least two . . . render servers.” To the contrary, *Krum* discloses a system for distributing each of a number of jobs to *a* slave computer. According to *Krum*, a “master computer receives requests to run jobs, selecting *a* slave computer to run each job, and then assigns each job to slave computer selected for that job.” (Col 2, Lines 59-61) (emphasis added). *Krum* further explains that “when the application server system receives a request to run a job, it estimates the time at which each slave computer could complete the job. The master computer then assigns the job to *the* slave computer that can complete the job the soonest.” (Col. 3, Lines 9-13) (emphasis

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skill in the herbicidal art would have been met motivated to make the modification of the prior art salts necessary to arrive at [the claimed invention].”).

added). Nowhere does *Krum* disclose, teach or suggest a system operable to distribute a job that includes a plurality of frames – or, for that matter, any other subdivision – among at least two servers, as recited in Claim 1. Thus, *Krum* does not disclose, teach or suggest rendering a render job “by distributing one or more different render frames of the render job to at least two . . . remote render servers” or “by distributing one or more different render frames of the render job to at least two . . . local render servers,” as recited in Claim 1. For at least these reasons, Applicants submit that the proposed combination of *Huang* and *Krum* fails to disclose, teach or suggest each and every limitation of amended Claim 1.

For at least the foregoing reasons, Applicants submit that amended Claim 1 is allowable over *Huang* and request withdrawal of the rejection under Section 102(e). In addition, Applicants submit that amended Claim 1 is also allowable over the proposed *Huang-Krum* combination under Section 103. Amended independent Claim 14 is also allowable over *Huang* and *Krum* for analogous reasons. Thus, Applicants respectfully request reconsideration and allowance of independent Claims 1 and 14, together with Claims 2 and 15-20 which depend therefrom. If the Examiner maintains the rejection of any of dependent Claims 2 and 15-20, Applicants reserve the right to provide more detailed remarks concerning the allowability of such claims.

### **Section 103 Rejections**

Claims 3-5, 7-11 and 13 were rejected under 35 U.S.C. § 103(e) as being unpatentable over *Huang* in view of *Krum*. Independent Claim 9, as amended, is allowable over the proposed *Huang-Krum* combination for at least reasons analogous to those provided above regarding the allowability of Claim 1. Thus, Applicants respectfully request reconsideration and allowance of independent Claim 9, together with Claims 10-11 which depend from Claim 9. If the Examiner maintains the rejection of any of dependent Claims 10-11, Applicants reserve the right to provide more detailed remarks concerning the allowability of such claims.

In addition, Claims 3-5, 7-8 and 13 are allowable at least because they depend from amended independent Claims 1 and 9, which have been shown above to be allowable. Applicants respectfully request reconsideration and allowance of Claims 3-5, 7-8 and 13. If

the Examiner maintains the rejection of any of Claims 3-5, 7-8 and 13, Applicants reserve the right to provide more detailed remarks concerning the allowability of such claims.

Claims 6 and 12 were rejected under 35 U.S.C. § 103(e) as being unpatentable over *Huang* in view of U.S. Patent 6,167,563 to Fontana, et al. ("*Fontana*"). Claims 6 and 12 are allowable at least because they depend from independent Claims 1 and 9, respectively, which have been shown above to be allowable. Applicants respectfully request reconsideration and allowance of Claims 6 and 12. If the Examiner maintains the rejection of Claims 6 and 12, Applicants reserve the right to provide more detailed remarks concerning the allowability of such claims.

**Conclusion**

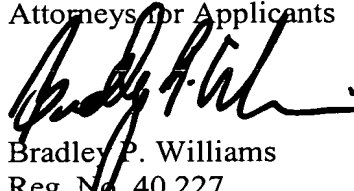
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Bradley P. Williams, Attorney for Applicants, at the Examiner's convenience at (214) 953-6447.

Although no fees are believed to be required by this paper, the Commissioner is hereby authorized to charge any appropriate fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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